IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 273 of 2006

LR'S OF RATANLAL
V/S
ROHTASH & ORS

Mr. DILIP MULCHANDANI, for the appellant / petitioner

Date of Order : 6.9.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant and perused the impugned judgments.

Both the learned Courts below have found that the ground of eviction, as raised by the plaintiff, being denial of title of the landlord, and non-user of the premises, for the purpose for which it has been let out, has not been established. Both the learned Courts below have appreciated the evidence, and has believed the evidence led on the side of the defendant, that the shop is being used, wherein business is being transacted, and the plaintiff himself had admitted, that the defendant had not denied the title of the landlord. The findings are pure findings of fact, and are not shown to be vitiated on any of the grounds available under Section 100 CPC.

The appeal thus, has no force, and is dismissed summarily.

(N P GUPTA),J.

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